

ORIGINAL

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)
)
Amendment of Section 73.202(b),) MB Docket No. 05-243
Table of Allotments,) RM-11363
FM Broadcast Stations.) RM-11364
(Meceteetse, Wyoming, Fruita, Colorado,) RM-11365
Ashton, Burley, Dubois, Idaho Falls,)
Pocatello, Rexburg, Shelley, Soda Springs.)
and Weston, Idaho, Lima, Montana, American)
Fork, Ballard, Brigham City, Centerville.)
Delta, Huntington, Kaysville, Logan, Manti.)
Milford, Naples, Oakley, Orem, Price)
Randolph, Roosevelt, Roy, Salina, South)
Jordan, Spanish Fork, Vernal, Wellington, and)
Woodruff, Utah, Diamondville, Evanston,)
Kemmerer, Marbleton, Superior, Thayne, and)
Wilson, Wyoming))

FILED/ACCEPTED

MAY 21 2007

Federal Communications Commission
Office of the Secretary

To: Office of the Secretary

Attn: Assistant Chief, Audio Division, Media Bureau

OPPOSITION TO ORDER TO SHOW CAUSE

Brigham Young University - Idaho ("BYU-I"), the licensee of noncommercial educational FM station KBYI(FM), Channel 263C1, Rexburg, Idaho (FIN 56345), by its counsel, hereby submits its opposition to the Order to Show Cause released by the Commission on April 20, 2007 in the above-referenced docket. The Order to Show Cause directed HYU-I to show cause why KBYI(FM), Channel 263C1, Rexburg, Idaho should not be modified to specify Channel 232C1, as proposed by Sand Hill Media Corporation et al. ("SHM") in its counterproposal filed on September 19, 2005 as amended on February 10, 2006 and April 14, 2006 in this docket ("Counterproposal")

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In addition to continuing its objection to the proposed KBYI(FM) forced channel change for the reasons set forth in BYU-I's previous submissions in this docket (which are incorporated herein by reference), including the significant disruption of noncommercial service to the public that will result, the Commission should not adopt the Counterproposal as set forth by SHM because there are alternative channels that may be allotted to Lima, Montana, to provide Lima with its first local service, that will not require a channel change for KBYI(FM). As shown in the attached Engineering Statement, Channels 221C2 and 265C2 may be allotted to Lima, Montana at the proposed allocation site. and Channels 228C2, 272C2, and 280C2 may be allotted to Lima with a slight site restriction, all without requiring a forced channel change for KBYI(FM). In fact, if any one of these alternate channels are allotted to Lima, Montana, KSNA(FM) [formerly KADQ-FM], Rexburg, Idaho will no longer be required to change its channel from Channel 232C2 to Channel 256C2 to accommodate the forced channel change for KBYI(FM) to Channel 232C1 at Rexburg, Idaho. Further, KUPI-FM, Idaho Falls, Idaho could also remain on its current channel of Channel 256C1.

In addition, as noted in the Engineering Statement, SIIM claims that the downgrade of WVFX(FM), Logan, Utah from a Class C to a Class C0 on Channel 233 will "result in a net increase in the 60 dBu service to 141,896 people." Since SHM is proposing to re-designate the current WVFX(FM) facilities as a Class C0 with no technical changes, SHM cannot claim a net increase in service.

Finally, SHM has not shown that significant public interest benefits will result from the adoption of its Counterproposal or that any such benefits warrant the disruption to the public that will result if KBYI(FM) is involuntarily forced to change channels. Therefore, the Commission should not adopt the Counterproposal as proposed by SHM and permit KBYI(FM) to remain on its current channel (Channel 26.3C1)

Respectfully submitted,

Brigham Young University - Idaho

May 21, 2007

By: _____



Patricia M. Chuh
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Its Counsel



Telecommunications Consultants

May 14, 2007

Engineering Statement
On Behalf of Brigham Young University
Re: MB Docket No. 05-243

With regard to the "Show Cause" order issued to KBYI, Rexburg, licensed to Brigham Young University (BYU), we have been asked to review the counterproposal filed by Sand Hill Media Corporation and Sand Hill Media Group, LLC (SHM) and accepted by the FCC to determine if it were absolutely necessary that KBYI move from channel 263C1 to 232C1.

The Counterproposal states that "Channel 262C2 can be allotted to Lima, Montana as its first local service in compliance with the Commission's spacing rules provided that a change is made at Rexburg, Idaho for Station KBYI(FM). While the statement is true, the information provided fails to mention that channels 221C2, 265C2 are available to serve Lima from the proposed allocation site. while channels 228C2, 272C2 and 280C2 will also work with small site restrictions. (See attachment **A**) Apparently, channel 262C2 was selected because it would force KBYI to move to another channel which would require other non-adjacent channel moves, favorable to SHM that could not take place without being part of a rule making.

In its Counterproposal filing of 9/2005 SHM proposed to allot channel 232C1 to Rexburg for use by KBYI. To do this KVFX in Logan, Utah must be downgraded from a C to a C0. Page #4 of SHM Counterproposal states that this downgrade would occur at the current KVFX transmitter site and that the allotment will "result in a net increase in the 60 dBu service to 141,896 people." Since a downgrade is being proposed from the same transmitter site, we wonder how the station can end up serving more people. The misstatement has not been corrected in subsequent SHM filings.

SHM further states, without change in subsequent filings, that, "In order to allot channel 232C1 to Rexburg, Idaho, station KADQ-FM (now KSNA), Rexburg, Idaho, must change its channel from 232C2 to 256C2." If Lima, Montana were allotted an FM channel on any of the other five alternate channels detailed above, KSNA would not have to change channels because KBYI would not be required to operate on KSNA's channel.

If any one of the five alternate frequencies at Lima, Montana were used, KUPI-FM could remain on its currently licensed channel 256C1. Keeping KBYI on its current channel would not affect the proposals to allocate 259C to Meeteetse, Wyoming.

Doug Vernier

Declaration:

I, Douglas L. Vernier, declare that I have received training as an engineer from the University of Michigan School of Engineering. That, I have received degrees from the University in the field of Broadcast Telecommunications. That, I have been active in broadcast consulting for over 30 years;

That, I have held a Federal Communications Commission First Class Radiotelephone License continually since 1964. In 1985, this license was reissued by the Commission as a lifetime General Radiotelephone license no. PG-16-16464;

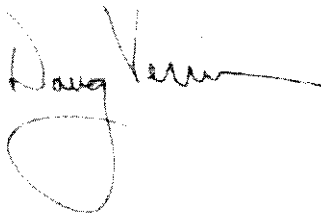
That, I am certified as a Professional Broadcast Engineer (#50258) by the Society of Broadcast Engineers, Indianapolis, Indiana. (Re-certified 1/2006.)

That, my qualifications are a matter of record with the Federal Communications Commission;

That, I have been retained by the Brigham Young University, Idaho to prepare the engineering showings appended hereto:

That, I have prepared these broadcast engineering showings, the technical information contained in same and the facts stated within are true of my knowledge;

That, under penalty of perjury, I declare that the foregoing is correct.

A handwritten signature in black ink, appearing to read "Doug Vernier", with a large, stylized loop at the bottom.

Douglas L. Vernier

Executed on May 16, 2007

Doug Vernier - Telecommunications Consultants
 721 W. First St, Suite A, Cedar Falls, Iowa 50613
 Available Channel at Lima, Montana
 Brigham Young University

REFERENCE
 44 42 58.0 N.
 112 4C 40.0 W
 - - - - -

CLASS = C2
 Current Spacings
 Channel 221 - 92.1 MHz - - - - -

DISPLAY DATES
 DATA 01-26-07
 SEARCH 05-04-07

Call	Channel	Location		Azi	Dist	FCC	Margin
KPPC.A	APP 221C2	Pocatello	ID	176.2	205.11	190.0	15.11
KPPC	RSV 221C2	Pocatello	ID	176.2	205.11	190.0	15.11
RADD	ADD 224C0	Iona	ID	142.7	106.43	89.0	17.43
KPPC.C	CP 221A	Pocatello	ID	174.4	201.20	166.0	35.20
AL7101	RSV 221C	Byron	WY	90.5	289.99	249.0	40.99
KGLT	LIC-D 220C2	Bozeman	MT	36.1	171.84	130.0	41.84
RDEL	DEL 224A	Salmon	ID	299.4	107.49	55.0	52.49
KSRA-FM	LIC 224A	Salmon	ID	299.4	107.49	55.0	52.49
KWYS-FM	LIC 275C	Island Park	ID	99.5	99.52	35.0	64.52
KAAC	LIC 223C1	Butte	MT	7.2	144.77	79.0	65.77
KBYR-FM	LIC 218A	Rexburg	ID	144.1	123.02	55.0	68.02
KWRV	LIC 220A	Sun Valley	ID	229.8	176.06	106.0	70.06
KWRV.A	APP 220A	Sun Valley	ID	230.1	180.94	106.0	74.94
KKVQ	LIC 222C3	Victor	ID	134.1	193.84	117.0	76.84
KSQS	LIC-D 219A	Ririe	ID	153.8	144.90	55.0	89.90

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Available Channel at Lima, Montana
Brigham Young University

REFERENCE		DISPLAY DATES
44 42 58.0 N.	CLASS = c2	DATA 01-26-07
112 4C 40.0 W.	Current Spacings	SEARCH 05-04-07
----- Channel 265 - 100.9 MHz -----		

Call	Channel	Location		Azi	Dist	FCC	Margin
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RADD	ADD 262C2	Lima	MT	0.0	0.00	58.0	-58.00
KXLB	LIC 264C1	Livingston	MT	52.5	177.64	158.0	19.64
KCVI	LIC 268C	Blackfoot	ID	179.5	135.03	105.0	30.03
KZMT	LIC 266C	Helena	MT	6.7	227.42	188.0	39.42
RDEL	DEL 263C1	Rexburg	ID	151.4	120.57	79.0	41.57
KBYI	LIC 263C1	Rexburg	ID	151.4	120.57	79.0	41.57
KAYN	LIC 264C	Gooding	ID	234.4	275.14	188.0	87.14
RADD	ADD 263C1	Idaho Falls	ID	158.1	168.53	75.0	85.53

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REFERENCE	CLASS = C2	DISPLAY DATES
44 42 58.0 N.		DATA 01-26-07
112 40 40.0 W.	Current Spacings	SEARCH 05-04-07
----- Channel 228 - 93.5 MHz -----		

Call	Channel	Location	Azi	Dist	FCC	Margin
RDEL	DEL, 225C	West Yellowstone MT	99.5	99.52	105.0	-5.48
KEZQ	LIC 225C	West Yellowstone MT	99.5	99.52	105.0	-5.48
KOBB-FM.A	APP 229C1	Bozeman MT	50.7	160.09	158.0	2.09
RADD	ADD 228C	Burley ID	199.5	261.66	249.0	12.66
KOBB-FM	LIC 229C1	Bozeman MT	50.2	171.95	158.0	13.95
RDEL	DEL 229C	Pocatello ID	176.3	206.00	188.0	18.00
KZBQ	LIC 229C	Pocatello ID	176.3	206.00	188.0	18.00
KOBB-FM.C	CP 229C1	Bozeman MT	52.5	177.61	158.0	19.61
KJAX	LIC 227C	Jackson WY	131.6	207.89	188.0	19.89
RADD	ADD 225C0	Salmon ID	294.9	115.46	89.0	26.46
KZBQ.C	CP 229C0	Pocatello ID	176.4	206.32	176.0	30.32
KOPR	LIC 231C	Butte MT	7.3	144.59	105.0	39.59
KCGL	LIC 227C	Missoula MT	338.9	276.94	188.0	88.94
AL4027	VAC 228C3	Mccall ID	275.7	271.56	177.0	94.56

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KEFEKENCE	CLASS = C2	DISPLAY DATES
44 42 58.0 N.		DATA 01-26-07
112 4C 40.0 W.	Current Spacings	SEARCH 05-04-07
----- Channel 272 - 102.3 MHz -----		

Call	Channel	Location	Azi	Dist	FCC	Margin
KWYS-FM	LIC 275C	Island Park	ID 99.5	99.52	105.0	-5.48
KCHQ	LIC-N 271C1	Driggs	ID 136.1	154.06	158.0	-3.94
KMGI	LIC 273C	Pocatello	ID 176.3	206.00	188.0	18.00
KBMC	LIC 271C2	Bozeman	MT 46.6	150.94	130.0	20.94
KCHQ.C	CP 270C	Driggs	ID 136.1	154.64	105.0	49.64
KMSO.C	CP 273C0	Missoula	MT 337.0	253.56	176.0	77.56
AU6229276	VAC 274A	Whitehall	MT 14.3	140.07	55.0	85.07
KMSO	LIC 273C1	Missoula	MT 337.0	253.56	158.0	95.56

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REFERENCE		DISPLAY DATES
44 42 58.0 N.	CLASS = C2	DATA 01-26-07
112 40 40.0 W.	Current Spacings	SEARCH 05-04-07
----- Channel 280 - 103.9 MHz -----		

Call	Channel	Location		Azi	Dist	FCC	Margin
RDEL	DEL 279C	Sun Valley	ID	229.6	181.95	188.0	-6.05
KSKI-FM	LIC 279C	Sun Valley	ID	229.6	181.95	188.0	-6.05
RADD	ADD 283A	Dubois	ID	149.2	69.79	55.0	14.79
KORR.C	CP -N 281C1	American Falls	ID	176.4	206.32	158.0	48.32
KORR	LIC-N 281C1	American Falls	ID	176.4	206.32	158.0	48.32
RADD	ADD 283A	Ashton	ID	132.9	120.27	55.0	65.27
KVRG	LIC 279C3	Victor	ID	134.1	193.84	117.0	76.84
KFTZ	LIC-D 277C1	Idaho Falls	ID	160.3	160.88	79.0	81.88
KZMY	LIC 278C1	Bozeman	MT	36.1	171.84	79.0	92.84
KZMY	RSV 278C1	Bozeman	MT	36.1	171.84	79.0	92.84
KZMY	RSV 278C1	Bozeman	MT	36.1	171.84	79.0	92.84
KCGL	LIC 281C	Powell	WY	93.8	280.92	188.0	92.92
RADD	ADD 283A	Ammon	ID	158.7	150.79	55.0	95.79

CERTIFICATE OF SERVICE


I, Paula Lewis, do hereby certify that a copy of the foregoing "Opposition to Order to Show Cause" was served this 21st day of May 2007, via first class U.S. Mail, on the following:

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Paula Lewis

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